

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT FAULKNER,

Defendant.

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8:06CR269

ORDER

This matter is before the court on the motion by the government to continue the trial of defendant Robert Faulkner (Faulkner) (Filing No. 19). The government seeks a continuance of the trial of this matter which is scheduled for February 5, 2007. Government's counsel represents that counsel for the Faulkner has no objection to the motion and that Faulkner consents to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 19) is granted.
2. Trial of this matter is re-scheduled for **April 2, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 1, 2007 and April 2, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of February, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge